

IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF MISSOURI

IN RE:)
JAMIE DANIELLE BROWN)
DEBTOR) CASE NO. 11-40232-jwv-13

**TRUSTEE'S MOTION TO DEPOSIT FUNDS INTO THE COURT REGISTRY
ON BEHALF OF CREDITOR**

COMES NOW Richard V. Fink, Chapter 13 Trustee, and moves for an order to deposit funds as identified below in the total amount of \$17,120.00 into the Court Registry as provided by 11 U.S.C. §347 and in support thereof states:

- 1) On January 19, 2011, Jamie Danielle Brown ("debtor") filed for relief under Chapter 13 of Title 11 of the United States Bankruptcy Code.
- 2) Debtor's original plan, filed January 19, 2011 and all subsequent amended plans provided for ongoing, post-petition mortgage payments for debtor's residence to be made to creditor BAC Home Loans in the amount of \$2140.00 per month by the trustee from plan payments.
- 3) Debtor's case was confirmed on April 19, 2011.
- 4) Debtor's case was dismissed on October 2, 2011 pursuant to debtor's motion to dismiss.
- 5) BAC Home Loans did not file a proof of claim in debtor's case. As a result, the trustee has been unable to disburse funds to BAC Home Loans for debtor's ongoing, post-petition mortgage payments.
- 6) Prior to the dismissal of the case, pursuant to Local Rule 3094-1, BAC Home Loans was owed post-petition payments for the months of March 2011 through October 2011, or eight post-petition payments.
- 7) The total amount owed to BAC Home Loans, or its successors, at the time of the dismissal was \$17,120.00 (eight payments in the amount of \$2140.00 per payment).
- 8) The trustee had \$21,096.43 on hand at the time of the dismissal of the case.
- 9) As \$17,120.00 belongs to BAC Home Loans or the current holder of the mortgage, the trustee requests that he be ordered to deposit this amount into the Court Registry for the benefit of BAC Home Loans or the current holder of the mortgage.
- 10) The remaining balance on hand at the time of the dismissal of the case will be

disbursed to creditors and the trustee in accordance with debtor's confirmed plan as provided in the court's confirmation order dated April 19, 2011 (CM/ECF #45).

WHEREFORE, based on the foregoing the Trustee respectfully requests an order of the Court directing him to deposit \$17,120.00 with the Court Registry.

Respectfully submitted,

/s/ Dana M. Estes

Dana M. Estes, #47540

Staff Attorney

Office of the Chapter 13 Trustee

Richard V. Fink, Trustee

818 Grand Blvd., Ste. 800

Kansas City, Mo. 64106-1901

NOTICE OF MOTION

Any response to the motion must be filed within twenty-one (21) days of the date of this notice (subject to an extension pursuant to Federal Rule of Bankruptcy Procedure 9006) with the Clerk of the United States Bankruptcy Court. Documents can be filed electronically at <http://ecf.mowb.uscourts.gov>. A copy of such response shall be served electronically by the Court on the Chapter 13 Trustee and all other parties to the case who have registered for electronic filing. If debtor's counsel is not registered for electronic filing, you must serve the response by mail. If a response is timely filed, the Court will either rule the matter based on the pleadings, or set the matter for a hearing. If a hearing is to be held, notice of such hearing will be sent to all parties in interest. **If no response is filed within twenty-one (21) days (subject to an extension pursuant to Federal Rule of Bankruptcy Procedure 9006), the Court may enter an Order to pay the funds into the Court's registry.** For information about electronic filing, go to <http://www.mow.uscourts.gov>. If you have any questions about this document, contact your attorney.

NOTICE OF SERVICE

Appropriate parties will be served by the Chapter 13 Trustee's office either electronically or by mail.

Debtor(s)

Lydia Carson, Esq., attorney for debtor(s) (526)

BAC Home Loans (272710)

Bank of America, N.A. (359597)

Brian T. Moynihan, CEO & President, Bank of America, 214 N. Tryon St., NC1-027-20-05, Charlotte, NC 28255 (via certified mail)

/s/ Dana M. Estes